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TRANSMITTAL FORM

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Total Number of Pages in This Submission	5

Application Number	10/736,801
Filing Date	December 16, 2003
First Named Inventor	Bert KLEBL et al.
Art Unit	1632
Examiner Name	J. Hama
Attorney Docket Number	DEAV2002/0089 US NP

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☑ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
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  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	sanofi-aventis		
Signature	Karen Krupen		
Printed name	Karen I. Krupen		
Date	April 14, 2005	Reg. No.	34,647

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Signature	Delia Coughlin		
Typed or printed name	Delia Coughlin	Date	April 14, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Klebl et al.

Examiner: **J. HAMA**

Art Unit: **1632**

Application No.: **10/736,801**

Filed: **December 16, 2003**

Title: **METHOD FOR GENERATING A GENETICALLY MODIFIED ORGANISM**

TELEFAX CERTIFICATE

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AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of February 24, 2005, the time to respond to which has been extended one month to April 24, 2005, the Applicants respond to the Restriction Requirement by provisionally electing to prosecute Group I, claims 1-21, directed to a method of a generating a genetically modified organism for drug screening comprising the steps of, *inter* alia, analyzing the modified gene expression (i.e., mRNA) pattern and identifying compensatingly differentially regulated genes. They respectfully disagree, however, that the restriction requirement dividing groups I and II is improper, and ask that the Examiner reconsider it.

The Examiner argues that Inventions I (the mRNA expression method) and II (the protein expression method) are unrelated because a method for generating a genetically modified organism for drug screening comprising a step for measuring mRNA expression is materially and methodically different from the same method wherein protein expression measured. The Examiner further states that Invention I does not depend on Invention II to function and vice versa.

The Examiner's restriction requirement ignores the fact that when protein expression analysis is measured, it is accompanied by mRNA expression analysis because mRNA